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d/b/a OpenSea, a New York Corporation*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT ARMIJO,

Plaintiff,

vs.

OZONE NETWORKS, INC. d/b/a OPENSEA, a
New York Corporation, YUGA LABS, LLC d/b/a
BORED APE YACHT CLUB, a Delaware limited
liability company, LOOKSRARE; and DOES 1 to
50,

Defendants.

CASE NO. 3:22-CV-00112-MMD-CLB

**DECLARATION OF JONATHAN H.
BLAVIN IN SUPPORT OF
DEFENDANT OZONE NETWORK
INC.'S MOTION TO STAY
DISCOVERY OR EXTEND
DEADLINES**

**DECLARATION OF JONATHAN H. BLAVIN IN SUPPORT OF
DEFENDANT OPENSEA'S MOTION TO STAY DISCOVERY OR EXTEND
DEADLINES**

I, Jonathan H. Blavin, declare as follows:

1. I am an attorney with the law firm of Munger, Tolles & Olson LLP, attorneys for Defendant Ozone Networks, Inc. d/b/a OpenSea ("OpenSea"). I submit this declaration in support of OpenSea's Motion to Stay Discovery or Extend Deadlines.

2. By virtue of my personal involvement in this litigation and a review of the files for this proceeding, I am fully familiar with the facts and circumstances of this litigation and specifically those set forth herein, and could testify to them competently if called upon to do so.

3. On June 3, 2022, OpenSea moved to dismiss Plaintiff's Complaint in its entirety (*see* ECF No. 56).

4. On June 27, 2022, in lieu of opposing OpenSea's motion, Plaintiff filed the First Amended Complaint (*see* ECF No. 62).

5. On July 8, 2022, I participated on behalf of OpenSea in a Rule 26(f) conference with Plaintiffs and Defendant Yuga Labs, Inc. At the conference, OpenSea and Yuga Labs both stated that they intended to renew their motions to dismiss in response to the First Amended Complaint and took the position that discovery should be stayed, and no case schedule should be set, until the Court's resolution of Defendants' renewed motions. Plaintiff took the position that discovery should proceed. Defendants stated their intention at the conference to file motions to stay discovery.

6. On July 20, 2022, the parties filed a Stipulated Discovery Plan and Scheduling Order (*see* ECF No. 65), in which Defendants reiterated their position that they intended to renew their motions to dismiss and took the position that discovery should be stayed and Plaintiff reiterated his position that discovery should proceed. The Scheduling Order was entered without resolution of this dispute (*see* ECF No. 66).

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Jonathan H. Blavin
Jonathan H. Blavin